

CONSERVATION COMMISSION PUBLIC HEARING  
AUGUST 25, 1998

The meeting was called to order by Vivianne G. Marcotte, Chairperson, at 7:00 pm. In attendance were Nancy Batchelder, Betty Callanan, Dan Gangai and Bonnie Thimble. Alternates attending were Alberta True, sitting in for Dave Weber; Ellen Goethel, sitting in for Peter Tilton; and Ralph Fatello.

The Minutes of July 28, 1998 were reviewed. Ms. Thimble motioned to approve the Minutes with corrections noted, seconded by Ms. Callanan. All were in favor with one abstention.

DAVID T. CURTIS  
(The leasing of Town land for agricultural use.)

Mr. Curtis addressed the Commissioners with the idea of leasing Town owned land. Ms. Marcotte read a letter from Mr. Curtis to the Commissioners that she had received. The land is located near the old railroad tracks near the old Town dump. This property would be used for agricultural and recreational purposes. i.e. Summer/Fall gardens to include apple and pear trees, grapevines and a vegetable garden. Mr. Curtis would be very sensitive to the habitats of animals. There would also be a consideration to lease the land with an option to buy it. Discussion ensued.

The Commission understood Mr. Curtis' love and appreciation of this parcel. However, this is a sensitive area and not really well suited for agriculture.

Ms. Thimble said that the clearing and rototilling of the area by hand would be almost impossible and <sup>that</sup> machinery could not be brought in. Fertilizer and pesticides could not be used because of its proximity to the marsh. Even manure cannot be used in buffer. Fruit trees, grapevines, etc. need pesticides or there would be no fruit. Corn could not be planted because it attracts deer, and that could create an additional hazard across Route One.

Ms. Batchelder thought that the leasing of Town land could set a precedent.

Ms. Goethel said that we are the caretakers of Town property and that it would be inappropriate to lease or sell any parcel for the benefit of one individual or family. This would set an extremely dangerous precedent. All felt very strongly about this.

CONSERVATION COMMISSION PUBLIC HEARING

August 25, 1998

Page 2

DAVID T. CURTIS (Cont.)

Mr. Curtis understood that if the Town chose to lease or sell this parcel to someone else, he no longer would be able to enjoy this area.

Mr. Fatello suggested that he farm elsewhere, like the Victory Garden. But since the garden is full and has a waiting list, Ms. Marcotte suggested that the Commission introduce Mr. Curtis to the James House Association, and that maybe with their guidance, he might farm an area of the style that the James' did in the eighteenth and nineteenth centuries. ~~Paul~~ Auger has said that this land was very fertile so this could be a possibility. Mr. Curtis could enjoy his gardening and all could enjoy the re-creation of a "historic farm". Mr. Fatello exchanged phone numbers with Mr. Curtis so that they could go out to the land in question together.

Ms. Marcotte also exchanged numbers with him so that they might get in touch with a member of the James House Association.

The motion was to inform the Selectmen of the Commission's position: a) land not suitable for agriculture; b) Town land could not be leased or sold; c) setting a dangerous precedent.

Ms. Callanan made the motion, second by Mr. Gangai. The vote was unanimous.

NH WETLAND BUREAU APPLICATIONS

- A. Sullivan  
425 Ocean Blvd. #10 &
- B. Murphy  
425 Ocean Blvd. #8

Both of these are expedited applications and will need Special Permits. Ms. Marcotte signed off on the Sullivan and Murphy applications for the construction of decks. Both these decks will be cantilevered over an existing hot top parking area and, therefore, not impact the buffer in any way. Ms. Thimble motioned not to oppose, seconded by Mr. Fatello. All were in favor. A letter was sent to the Planning Board.

NH WETLAND BUREAU APPLICATIONS (cont)

- C. Shikrallah  
46 Highland Ave.

This expedited application is for a retaining wall along the rear of the home and requires a special permit. Ms. Marcotte signed off on this application to the State and a letter will be sent to the Planning Board. A site walk was conducted and the conditions of this previously developed buffer demonstrates a need for the wall. The high tides are reaching the house. Ms. Thimble motioned not to oppose, seconded by Ms. Goethel. All were in favor.

SPECIAL PERMIT APPLICATIONS

- A. Shikrallah  
46 Highland Ave.

Retaining Wall. (please see above)

- B. Island View Condo  
541 Ocean Blvd.

This special permit is for the re-paving of an existing driveway. This site was walked and considered for a State permit last month. The driveway needs resurfacing. The Best Management Plan for driveways along wetland to be incorporated. Ms. Goethel motioned not to oppose the special permit, seconded by Ms. Callanan. All were in favor.

- C. Murphy  
425 Ocean Blvd. #8 (deck)  
Please see NH Wetland Bureau Applications.
- D. Sullivan  
425 Ocean Blvd. #10 (deck)  
Please see NH Wetland Bureau Applications.

CONSERVATION COMMISSION PUBLIC HEARING

August 25, 1998

Page 4

PLANNING BOARD REFERRAL

- A. Thomas Laudani/Copley Realty  
520 Ocean Blvd.

This referral is for a proposal of 11 multifamily condominium units. It was the consensus of the Commissioners that this would be intense use of the parcel. They are proposing more sealed surface (91%) than exists now. This could be a problem especially at high tides. More of a buffer should be created between the abutters, and appropriate trees planted. This might help the abutters with both the aesthetics <sup>of the</sup> new parcel and with the drainage water. Ms. Marcotte will send a reply to the *the abutters of* Planning Board.

WETLAND BUREAU ACTIONS

- A. Jacques (Little Jack's)  
Permit with Best Management Plan condition. Berm to be ~~18~~ 18' wide and not more than 2' high. Five feet of hot top will need to be removed.
- B. Sylvester  
549 Ocean Blvd.  
Permit with Best Management Plan condition.  
Pull back and plant.
- C. Consoli  
545 Ocean Blvd.  
Permit with Best Management condition.  
Pull back and plant.
- D. Oliver  
1024 Ocean Blvd.  
Extension of wall repair permit.
- E. Chase  
1026 Ocean Blvd.  
Extension of wall repair permit.
- F. Macintosh  
1030 Ocean Blvd.  
Extension of wall repair permit.
- G. Brussard  
1032 Ocean Blvd.  
Extension of wall repair permit.

CONSERVATION COMMISSION PUBLIC HEARING

August 25, 1998

Page 5

WETLAND BOARD ACTIONS (cont.)

- H. Moreau  
553 & 555 Ocean Blvd.  
Received wetland permit for stone retaining wall  
across the rear of both properties.
- I. Dennett/Linnsman  
1070 Ocean Blvd.  
  
Extension of re-building permit.
- J. Ewell  
31 Jones Ave.  
Permit granted for walkway on sono tubes - 1996  
application.
- K. Gebhart  
4 Bailey Ave.  
Permit granted for re-construction of retaining  
wall.
- L. NH DOT  
Little River outlet.  
June emergency dredge of channel.
- M. Hearing date on Pandelina Construction Company  
\$4,000 fine set for 10/27/98 at 1:30 p.m.

OLD BUSINESS

- A. Special Permits granted for Sylvester, Barker and  
Gebhart.
- B. 1999 Budget  
Ms. Marcotte submitted the 1999 budget to the  
Town Office. A short discussion ensued on the  
budget. It was said that \$1,000 was not sufficient  
for surveying fees, and that Ms. Marcotte should  
have included the costs for phone calls and all  
other expenses relating to Conservation Commission  
matters. Ms. Marcotte said she could address these  
matters when the budget comes up for review.
- C. Eaton Park  
DPW Application for parking area. A discussion  
ensued regarding the wetness and drainage of this  
area. It is the consensus of the Commission that  
this should not be disturbed. Alternatives for the  
parking at Eaton Park were discussed.

CONSERVATION COMMISSION PUBLIC HEARING

August 25, 1998

Page 6

NEW BUSINESS

A. Project Activities

(1) Conservation land identification and marking

- (a) White's Lane parcel - protect from motorized traffic.

Ms. Batchelder is conferring with Mr. Barrington regarding estimates for surveying the parcel. The markings should be done before hunting season starts. Ms. Batchelder is also arranging to walk and mark the easement off Drakeside Rd. This parcel is not in need of a new survey.

2. Violations

Mr. Weber in a phone call stated that for the records, the Sylvester and Consoli properties were measured from house to berm; that signs were being erected in the marsh for the jet skiers.

3. Jet Skis - marsh violation

Police, Fire and State Officials are overseeing the jet skis in the marsh and turning them away either with a warning or fine. All were pleased with Mr. Gangai's presentation and the Town's response.

4. Victory Garden/Elm Trees grant application

Ms. Thimble stated the grant was sent to Fleet Bank for \$3,000 for the trees. She also stated that the Flower Wagon had donated plants to Mike's Place

5. Publicity

Ms. Callanan stated that the Co-Op Extension has been in touch with her. She will be writing articles regarding the jet skis, victory garden, etc. The Commissioners are encouraged to submit information to Ms. Callanan for publication.

6. Scholarship Award

Discussion ensued on what types of awards could be given to Jr. High and High School.

CONSERVATION COMMISSION PUBLIC HEARING

August 25, 1998

Page 7

NEW BUSINESS (cont)

B. Other

Ms. Marcotte reminded all the Commissioners of the upcoming Annual Meeting of the NH Association of Conservation Commissions to be held in Concord on November 7, 1998.

CORRESPONDENCE

Ms. Marcotte stated that Mr. John Hangen will be coming before the Commission next month regarding Hobson Ave. This is for a dredge and fill permit for drainage problems. Several residents have complained of water ponding in low spots along the streets which detracts from the enjoyment and access to the property. Brown Ave. has similar problems. To correct this would involve disruption of a wet area to each of the intended discharge points. An appointment should be made to walk these two sites with the DPW.

Ms. Marcotte sent a memo to the Planning Board regarding Majestic Pines stating that drainage and buffer were concerns.

Ms. Marcotte reviewed Brochures and Newsletters.

Ms. Payzant was in attendance and questioned the Commissioners about their opposition to the filling of the wetlands at Eaton Park. She stated that she had no problem with the request and wanted to know the reasons for the opposition. The Commissioners stated the reasons sent to the Wetlands Bureau.

TREASURER'S REPORT

Ms. Marcotte reported as follows:

Conservation Land Fund - Certificate of Deposit  
\$20,965.31  
Interest - 2.96  
Operating Budget - Checking Account \$1,243.39

The next meeting will be held on Tuesday, September 22, 1998, at 7:00 p.m. in the Town Selectmen's Room. The site walk is scheduled for Monday, September 21, 1998 at 6:00 p.m. meeting in the Town Office parking lot.

CONSERVATION COMMISSION PUBLIC HEARING

August 25, 1998

Page 8

Ms. Goethel motioned to adjourn at 9:30 p.m., seconded by Mr. Gangai. All were in favor.

Respectfully submitted,



Sue Launi  
Secretary

CONSERVATION COMMISSION PUBLIC HEARING  
AUGUST 25, 1998

The meeting was called to order by Vivianne G. Marcotte, Chairperson, at 7:00 pm. In attendance were Nancy Batchelder, Betty Callanan, Dan Gangai and Bonnie Thimble. Alternates attending were Alberta True, sitting in for Dave Weber; Ellen Goethel, sitting in for Peter Tilton; and Ralph Fatello.

The Minutes of July 28, 1998 were reviewed. Ms. Thimble motioned to approve the Minutes with corrections noted, seconded by Ms. Callanan. All were in favor with one abstension.

DAVID T. CURTIS

(The leasing of Town land for agricultural use.)

Mr. Curtis addressed the Commissioners with the idea of leasing Town owned land. Ms. Marcotte read a letter from Mr. Curtis to the Commissioners that she had received. The land is located near the old railroad tracks near the old Town dump. This property would be used for agricultural and recreational purposes. i.e. Summer/Fall gardens to include apple and pear trees, grapevines and a vegetable garden. Mr. Curtis would be very sensitive to the habitats of animals. There would also be a consideration to lease the land with an option to buy it. Discussion ensued.

The Commission understood Mr. Curtis' love and appreciation of this parcel. However, this is a sensitive area and not really well suited for agriculture.

Ms. Thimble said that the clearing and rototilling of the area by hand would be almost impossible and that machinery could not be brought in. Fertilizer and pesticides could not be used because of its proximity to the marsh. Even manure cannot be used in buffer. Fruit trees, grapevines, etc. need pesticides or there would be no fruit. Corn could not be planted because it attracts deer, and that could create an additional hazard across Route One.

Ms. Batchelder thought that the leasing of Town land could set a precedent.

Ms. Goethel said that we are the caretakers of Town property and that it would be inappropriate to lease or sell any parcel for the benefit of one individual or family. This would set an extremely dangerous precedent. All felt very strongly about this.

CONSERVATION COMMISSION PUBLIC HEARING

August 25, 1998

Page 2

DAVID T. CURTIS (Cont.)

Mr. Curtis understood that if the Town chose to lease or sell this parcel to someone else, he no longer would be able to enjoy this area.

Mr. Fatello suggested that he farm elsewhere, like the Victory Garden. But since the garden is full and has a waiting list, Ms. Marcotte suggested that the Commission introduce Mr. Curtis to the James House Association, and that maybe with their guidance, he might farm an area in the style that the James' did in the eighteenth or nineteenth centuries. Phil Auger has said that this land was very fertile so this could be a possibility. Mr. Curtis could enjoy his gardening and all could enjoy the re-creation of a "historic farm". Mr. Fatello exchanged phone numbers with Mr. Curtis so that they could go out to the land in question together.

Ms. Marcotte also exchanged numbers with him so that they might get in touch with a member of the James House Association.

The motion was to inform the Selectmen of the Commission's position: a) land not suitable for a agriculture; b) Town land could not be leased or sold; c) setting a dangerous precedent.

Ms. Callanan made the motion, secondd by Mr. Gangai. The vote was unanimous.

NH WETLAND BUREAU APPLICATIONS

- A. Sullivan  
425 Ocean Blvd. #10 &
- B. Murphy  
425 Ocean Blvd. #8

Both of these are expedited applications and will need Special Permits. Ms. Marcotte signed off on the Sullivan and Murphy applications for the construction of decks. Both these decks will be cantilevered over an existing hot top parking area and, therefore, not impact the buffer in any way. Ms. Thimble motioned not to oppose, seconded by Mr. Fatello. All were in favor. A letter was sent to the Planning Board.

CONSERVATION COMMISSION PUBLIC HEARING

August 25, 1998

Page 3

NH WETLAND BUREAU APPLICATIONS (cont)

- C. Shikrallah  
46 Highland Ave.

This expedited application is for a retaining wall along the rear of the home and requires a special permit. Ms. Marcotte signed off on this application to the State and a letter will be sent to the Planning Board. A site walk was conducted and the conditions of this previously developed buffer demonstrates a need for the wall. The high tides are reaching the house. Ms. Thimble motioned not to oppose, seconded by Ms. Goethel. All were in favor.

SPECIAL PERMIT APPLICATIONS

- A. Shikrallah  
46 Highland Ave.

Retaining Wall. (please see above)

- B. Island View Condo  
541 Ocean Blvd.

This special permit is for the re-paving of an existing driveway. This site was walked and considered for a State permit last month. The driveway needs resurfacing. The Best Management Plan for driveways along wetland to be incorporated. Ms. Goethel motioned not to oppose the special permit, seconded by Ms. Callanan. All were in favor.

- C. Murphy  
425 Ocean Blvd. #8 (deck)  
Please see NH Wetland Bureau Applications.

- D. Sullivan  
425 Ocean Blvd. #10 (deck)  
Please see NH Wetland Bureau Applications.

PLANNING BOARD REFERRAL

- A. Thomas Laudani/Copley Realty  
520 Ocean Blvd.

This referral is for a proposal of 11 multifamily condominium units. It was the consensus of the Commissioners that this would be intense use of the parcel. They are proposing more sealed surface (91%) than exists now. This could be a problem especially at high tide. More of a buffer should be created between the abutters, and appropriate trees planted. This might help the abutters with both the aesthetics of the new parcel and with the absorption of drainage water. Ms. Marcotte will send a reply to the Planning Board.

WETLAND BUREAU ACTIONS

- A. Jacques (Little Jack's)  
Permit with Best Management Plan condition. Berm to be 10' wide and not more than 2' high. Five feet of hot top will need to be removed.
- B. Sylvester  
549 Ocean Blvd.  
Permit with Best Management Plan condition  
Pull back and plant.
- C. Consoli  
545 Ocean Blvd.  
Permit with Best Management condition.  
Pull back and plant.
- D. Oliver  
1024 Ocean Blvd.  
Extension of wall repair permit.
- E. Chase  
1026 Ocean Blvd.  
Extension of wall repair permit.
- F. Macintosh  
1030 Ocean Blvd.  
Extension of wall repair permit.
- G. Brussard  
1032 Ocean Blvd.  
Extension of wall repair permit.

CONSERVATION COMMISSION PUBLIC HEARING

August 25, 1998

Page 5

WETLAND BOARD ACTIONS (cont.)

- H. Moreau  
553 & 555 Ocean Blvd.  
Received wetland permit for stone retaining wall  
across the rear of both properties.
- I. Dennett/Linnsman  
1070 Ocean Blvd.  
  
Extension of re-building permit.
- J. Ewell  
31 Jones Ave.  
Permit granted for walkway on sono tubes - 1996  
application.
- K. Gebhart  
4 Bailey Ave.  
Permit granted for re-construction of retaining  
wall.
- L. NH DOT  
Little River outlet.  
June emergency dredge of channel.
- M. Hearing date on Pandelina Construction Company  
\$4,000 fine set for 10/27/98 at 1:30 p.m.

OLD BUSINESS

- A. Special Permits granted for Sylvester, Barker and  
Gebhart.
- B. 1999 Budget  
Ms. Marcotte submitted the 1999 budget to the  
Town Office. A short discussion ensued on the  
budget. It was said that \$1,000 was not sufficient  
for surveying fees, and that Ms. Marcotte should  
have included the costs for phone calls and all  
other expenses relating to Conservation Commission  
matters. Ms. Marcotte said she could address these  
matters when the budget comes up for review.
- C. Eaton Park  
DPW Application for parking area. A discussion  
ensued regarding the wetness and drainage of this  
area. It is the consensus of the Commission that  
this should not be disturbed. Alternatives for the  
parking at Eaton Park were discussed.

CONSERVATION COMMISSION PUBLIC HEARING

August 25, 1998

Page 6

NEW BUSINESS

A. Project Activities

- (1) Conservation land identification and marking
  - (a) White's Lane parcel - protect from motorized traffic.  
Ms. Batchelder is conferring with Mr. Barrington regarding estimates for surveying the parcel. The markings should be done before hunting season starts. Ms. Batchelder is also arranging to walk and mark the easement off Drakeside Rd. This parcel is not in need of a new survey.
2. Violations  
Mr. Weber in a phone call stated that for the records, the Sylvester and Consoli properties were measured from house to berm; that signs were being erected in the marsh for the jet skiers.
3. Jet Skis - marsh violation  
Police, Fire and State Officials are overseeing the jet skis in the marsh and turning them away either with a warning or fine. All were pleased with Mr. Gangai's presentation and the Town's response.
4. Victory Garden/Elm Trees grant application  
Ms. Thimble stated the grant was sent to Fleet Bank for \$3,000 for the trees. She also stated that the Flower Wagon had donated plants to Mike's Place.
5. Publicity  
Ms. Callanan stated that the Co-Op Extension has been in touch with her. She will be writing articles regarding the jet skis, victory garden, etc. The Commissioners are encouraged to submit information to Ms. Callanan for publication.
6. Scholarship Award  
Discussion ensued on what types of awards could be given to Jr. High and High School.

CONSERVATION COMMISSION PUBLIC HEARING

August 25, 1998

Page 7

NEW BUSINESS (cont)

B. Other

Ms. Marcotte reminded all the Commissioners of the upcoming Annual Meeting of the NH Association of Conservation Commissions to be held in Concord on November 7, 1998.

CORRESPONDENCE

Ms. Marcotte stated that Mr. John Hangen will be coming before the Commission next month regarding Hobson Ave. This is for a dredge and fill permit for drainage problems. Several residents have complained of water ponding in low spots along the streets which detracts from the enjoyment and access to the property. Brown Ave. has similar problems. To correct this would involve disruption of a wet area to each of the intended discharge points. An appointment should be made to walk these two sites with the DPW.

Ms. Marcotte sent a memo to the Planning Board regarding Majestic Pines stating that drainage and buffer were concerns.

Ms. Marcotte reviewed Brochures and Newsletters.

Ms. Payzant was in attendance and questioned the Commissioners about their opposition to the filling of the wetlands at Eaton Park. She stated that she had no problem with the request and wanted to know the reasons for the opposition. The Commissioners stated the reasons sent to the Wetlands Bureau.

TREASURER'S REPORT

Ms. Marcotte reported as follows:

Conservation Land Fund - Certificate of Deposit  
\$20,965.31  
Interest - 2.96  
Operating Budget - Checking Account \$1,243.39

The next meeting will be held on Tuesday, September 22, 1998, at 7:00 p.m. in the Town Selectmen's Room. The site walk is scheduled for Monday, September 21, 1998 at 6:00 p.m. meeting in the Town Office parking lot.

CONSERVATION COMMISSION PUBLIC HEARING

August 25, 1998

Page 8

Ms. Goethel motioned to adjourn at 9:30 p.m., seconded by Mr. Gangai. All were in favor.

Respectfully submitted,



Sue Launi  
Secretary